

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOV MARCELLIN, : ORDER

Plaintiff, : 21 Civ. 10298 (GWG)

-v.- :

LONG ISLAND RAILROAD COMPANY, :

Defendant. :
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

A telephone conference to (1) discuss issues raised in the parties' pre-trial submissions and (2) to set a trial date in this matter will be held February 2, 2023, at 10:30 a.m.. The attorneys actually trying this case are required to participate in this conference. The parties shall dial (888) 557-8511 and use access code: 6642374. (The public may also dial in but will be permitted only to listen.) When dialing in to the conference, the parties must be in a quiet location, must not be outdoors or in a vehicle, and must not use a speakerphone. The Court will record the proceeding for purposes of transcription in the event a transcript is ordered. However, any other recording or dissemination of the proceeding in any form is forbidden.

Each attorney is directed to ensure that all other attorneys on the case are aware of the conference argument date and time. If necessary, the date of this conference may be changed by following the procedures set forth in paragraph 1.F of this Court's Individual Practices.

Counsel should be prepared to discuss not only their own availability for trial but also the availability of their witnesses, including any expert witnesses, for a trial to commence on one the following dates (some are Mondays and some are Tuesdays): March 21, March 27, April 11, April 17, and April 24, 2023.

The Court notes that in cases where experts testify, it is the Court's preference to schedule experts for particular dates and times and to provide time limitations for each party's examinations of that expert so that the schedule can be adhered to. An example of a schedule for one day is set forth in the margin.¹ Expert witness testimony may be taken out of order and may interrupt the testimony of party witnesses. Expert witness testimony should not be scheduled, however, for the first trial day since jury selection may not conclude until afternoon.

¹ Day 2:

Expert A starts at 9:15 a.m. (Direct and Redirect: 45 minutes; Cross and Recross 45 minutes)
Expert B starts at 11:30 (Direct and redirect 30 minutes; Cross and Recross 30 minutes)

Day 3

Expert C starts at 2:15 p.m. (Direct and redirect: 60 minutes; Cross and Recross: 60 minutes)

The parties are directed to discuss in advance of the conference what such a schedule would look like to see if agreement can be reached. The parties may present any agreement by means of a letter filed on ECF prior to the conference. The Court notes that it generally starts testimony at 9:15 a.m. and continues until 5:00 p.m. from Monday through Friday, with a lunch break generally beginning at about 1 p.m. and lasting until 2 p.m.

SO ORDERED.

Dated: January 30, 2023
New York, New York



CABRIEL W. CORENSTEIN
United States Magistrate Judge